

COMMONWEALTH OF KENTUCKY  
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. **05-MSRC-011**

COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

**FINAL ORDER**

**GREGORY SARAGAS**

**RESPONDENT**

\* \* \* \* \*

This matter having come before the Commission on the Joint Motion to Approve Settlement Agreement between the Complainant, Office of Mine Safety and Licensing (OMSL) and Respondent **GREGORY SARAGAS**, and the members of the Commission having reviewed the Settlement Agreement filed on April 13, 2006 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

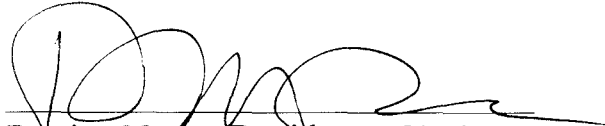
1. The Joint Motion to Approve Settlement Agreement is **GRANTED**;
2. The formal hearing is **CANCELLED**;
3. The **Settlement Agreement** signed by the parties and filed with the Commission is hereby **incorporated by reference** as if reproduced herein in full as a material part of this **FINAL ORDER**.

A copy is attached hereto;

4. This Final Order only resolves the matters referenced herein, and any new enforcement action or subsequent penalties imposed during any probationary period are in addition to and not in lieu of those that may be sought by OMSL for the acts or omissions during that probationary period. This Final Order in no way prohibits OMSL from investigating or filing legal action based upon other activities or omissions by the Respondent not arising from the factual basis of the original violation and resolved herein.
5. This Final Order shall be considered to constitute a “first offense” as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13);
6. This Final Order represents a final disposition of all issues between the Complainant and the Respondent, in these matters. Failure to comply with the terms and conditions of this Final Order may result in further action by the Commission; and
7. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy

of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

Entered this the 13<sup>TH</sup> day of April 2006.



Denise Moore Davidson, Chair  
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 3<sup>rd</sup> day of MAY 2006: BAT

Hon. Rodney Buttermore  
Buttermore & Boggs  
108 South First Street  
Harlan, KY 40831-0875  
Counsel for Saragas

# 7006 0100 0005 2636 5258

And by messenger mail to:

HON. C. MICHAEL HAINES,  
GENERAL COUNSEL  
OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ 564- 2356  
FAX 502/ 564 - 9212

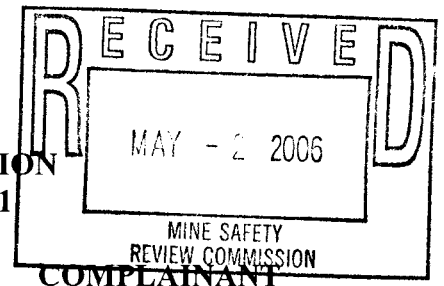
And the original shall be kept on file:

Mine Safety Review Commission  
132 Brighton Park Blvd.  
Frankfort Ky 40601



Bryan Alan Thompson  
Hearing Officer & General Counsel  
Mine Safety Review Commission

COMMONWEALTH OF KENTUCKY  
KENTUCKY MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 05-MSRC-011



KENTUCKY OFFICE OF MINE SAFETY & LICENSING

SETTLEMENT AGREEMENT BETWEEN OMSL  
& GREGORY SARAGAS

GREGORY SARAGAS

RESPONDENT

\* \* \* \* \*

Come the Complainant, the Kentucky Office of Mine Safety & Licensing ("OMSL"), and Respondent, Gregory Saragas ("Saragas"), by counsel, and hereby state that they have agreed to a settlement of the above-styled disciplinary proceeding, according to the following terms:

In consideration for the final resolution of this action against him, and the cancellation of the hearing that was previously scheduled for April 13, 2006 on the complaint filed herein, the Respondent hereby agrees to the following:

1. Saragas neither admits nor denies that he violated the laws of the Commonwealth of Kentucky, but desires to resolve this action without further proceedings.
2. The Mining Instructor – Surface, certificate number SI-8-00, and an MET Instructor, certificate number WI-012-00 issued to Saragas by the Commonwealth of Kentucky shall be suspended for a period of six (6) months, to be automatically reinstated at the end of that period provided all terms set forth herein are met during the suspension, following the date of acceptance of this Settlement Agreement by the Mine Safety Review Commission. These certificates shall be in probationary status for two (2) years following the automatic reinstatement.
4. During the probationary period for Mining Instructor – Surface, certificate number SI-8-00, and an MET Instructor, certificate number WI-012-00, Saragas shall notify the

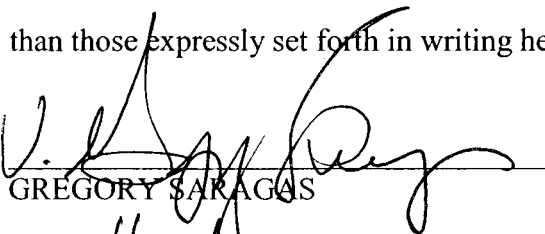
appropriate District Office of OMSL of any classes in which he will be the instructor. Any failure to notify the District Office shall be cause for the revocation of these certificates.

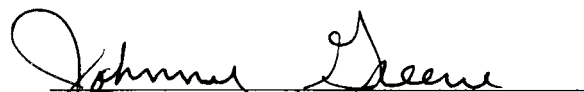
5. The Respondent is certified by the Commonwealth as: a blaster (general), certificate number 10499; an MET, certificate number HN-134-99; Surface Mine Foreman, certificate number SE-35-00; and, as a Surface Miner. The Respondent further agrees that these certifications shall be placed in probationary status for a period of thirty (30) months from the date of the acceptance of this Settlement Agreement by the Mine Safety Review Commission.

6. During the suspension and probationary periods set forth in Paragraphs 2 and 5, above, Saragas shall comply with all state and federal mine safety laws and regulations. The willful violation by Saragas of any of said laws or regulations, unless otherwise specified herein, may result in OMSL filing a motion with the Mine Safety Review Commission to revoke any or all certifications issued to him by the Commonwealth of Kentucky.

The Respondent further agrees that this Settlement Agreement and any final order issued herein by the Mine Safety Review Commission will be considered by the Commission to constitute a "first offense", as that term is defined at 805 KAR 8:010, Section 1(13).

OMSL and the Respondent acknowledge and agree that there are no further promises, inducements, representations, or agreements in connection with this Settlement Agreement other than those expressly set forth in writing herein.

  
GREGORY SARAGAS  
4/20/06  
DATE

  
JOHNNY GREENE  
Acting Executive Director  
KY Office of Mine Safety & Licensing  
P.O. Box 2244  
Frankfort, Kentucky 40602  
5-1-06  
DATE

  
\_\_\_\_\_  
RODNEY BUTTERMORE  
Counsel for Respondent

4-15-06  
\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Settlement Agreement between OMSL and Gregory Saragas was mailed this 2nd day of ~~April~~<sup>May</sup>, 2006, to:

Hon. Rodney Buttermore  
Counsel for Gregory Saragas  
Buttermore & Boggs  
108 South First Street  
Harlan, Kentucky 40831-0875

  
\_\_\_\_\_  
C. MICHAEL HAINES

OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
KY OFFICE OF MINE SAFETY & LICENSING